



**Mailing Address:**  
P.O. Box 1275, Camp Hill, PA 17001  
Street Address:  
225 Grandview Ave., 5<sup>th</sup> Fl.  
Camp Hill, PA 17011  
Phone: 717.237.7100 Fax: 717.237.7105

*Matthew R. Clayberger*  
(717) 237-7150  
[mclayberger@tthlaw.com](mailto:mclayberger@tthlaw.com)

August 1, 2023

*Via ECF Filing*

The Honorable Jennifer P. Wilson  
United States Courthouse  
1501 North 6<sup>th</sup> Street  
Harrisburg, PA 17102

**Re: Schwenk and Druck v. Garcia, et al.**  
**M.D. Pa. Docket No. 1:21-CV-02079**  
**TTH File No. 863-12804**

Dear Judge Wilson:

I represent the County Defendants<sup>1</sup> in the above-captioned matter. In lieu of filing a formal discovery motion, I am writing to request the Court's assistance in resolving a discovery dispute that currently exists in this case concerning Plaintiffs' overdue responses to the County Defendants' Interrogatories and Requests for Production of Documents.

By way of background, this is a civil rights action in which Plaintiffs seek damages for injuries that they allegedly sustained while incarcerated at the York County Prison. On May 23, 2023, the County Defendants' served each Plaintiff with Interrogatories and Requests for Production of Documents.<sup>2</sup> Those discovery requests seek basic information that is necessary for trial, including the extent of Plaintiffs' alleged injuries and treatment, and the identification of fact witnesses, expert witnesses, and exhibits. Pursuant to Fed.R.Civ.P. 33 and 34, Plaintiffs' responses to the York County Defendants'

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<sup>1</sup> The County Defendants are Defendants York County, Pennsylvania d/b/a York County Prison; Julie Wheeler; Doug Hoke; Ron Smith; Adam Ogle; and Clair Doll.

<sup>2</sup> Copies of Defendants' discovery requests and the enclosure letter evidencing service of the same collectively are attached hereto as Exhibit 1.

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Interrogatories and Requests for Production of Documents were due within thirty (30) days, *i.e.* on or before June 23, 2023.

Plaintiffs did not provide discovery responses on or before June 23, 2023. Undersigned counsel sent a letter to Plaintiffs' counsel on June 27, 2023, in which undersigned counsel advised Plaintiffs' counsel that their clients' discovery responses were overdue.<sup>3</sup> As a courtesy to Plaintiffs' counsel, undersigned counsel extended Plaintiffs' response deadline until July 6, 2023, and noted that the County Defendants would involve the Court if responses were not provided by that date.

On June 28, 2023, Plaintiffs' counsel's office emailed undersigned counsel regarding Plaintiffs' overdue discovery responses. In that email, Plaintiffs' counsel's office advised that they were working with their clients to provide discovery responses, and they requested an extension of time through July 15, 2023 to provide Plaintiffs' responses. Undersigned counsel emailed Plaintiffs' counsel's office two days later and indicated that the County Defendants were willing to provide an extension until July 15, 2023 to receive Plaintiffs' overdue discovery responses.<sup>4</sup> July 15<sup>th</sup> came and went, and no responses were served.

To date, Plaintiffs have not provided responses to the County Defendants' Interrogatories or Requests for Production of Documents, despite receiving an extension of time from the County Defendants in which to do so. The County Defendants will be prejudiced if forced to prepare for trial without the basic information requested in the Interrogatories and Requests for Production directed to Plaintiffs. Accordingly, the undersigned respectfully requests this Honorable Court's assistance by either: 1) convening a telephonic status conference to discuss this discovery dispute; or 2) entering an Order compelling Plaintiffs to respond to the County Defendants' Interrogatories and Requests for Production of Documents. Alternatively, if it is the Court's preference for the County Defendants to formally move to compel Plaintiffs' overdue discovery responses, the County Defendants happily will do so.

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<sup>3</sup> A true and accurate copy of said letter is attached hereto as Exhibit 2.

<sup>4</sup> A true and accurate copy of said email thread is attached hereto as Exhibit 3.

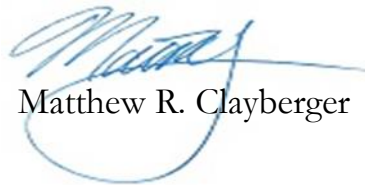
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The County Defendants thank this Honorable Court for its time and assistance in resolving this discovery issue. If Your Honor has any questions or concerns regarding this request, please feel free to contact the undersigned at Your Honor's convenience. A copy of this correspondence is being served upon Plaintiffs' counsel via ECF filing.

Yours truly,

**THOMAS, THOMAS & HAFFER, LLP**



Matthew R. Clayberger

CC: Alan E. Denenberg, Esq. / Leticia C. Chavez-Freed, Esq. (via ECF filing)

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